

Regular Meeting
Thursday, June 25, 2015

Springview Government Center
3130 E. Main Street
Springfield, Ohio 45505

Mr. Tim Greenwood, Chairperson of the Board of Zoning Appeals, calls the meeting to order at 2:00 p.m.

Present: Mr. Tim Greenwood, Mr. Don Wallace, Mr. Kyle Powell and Mr. Jack Spurlock

Absent: Mr. Rick Smith and Mr. David Minard

Also Present: Mrs. Laura Allen, Mrs. Anette Ulery and Mr. Terry Shaffer Clark County Community Development, and other interested persons.

Chairperson Greenwood asks if there are any comments regarding the May 26, 2015 minutes. Hearing none he asks for a motion.

BZA: 06-15-2015: Minutes ~ May 26, 2015

Motion by Mr. Wallace, seconded by Mr. Powell, to **Approve** the minutes as presented.

VOTE: Yes: Mr. Wallace, Mr. Powell, Mr. Spurlock, and Mr. Greenwood

No: None

Motion carries.

Chairperson Greenwood asks if there are any comments regarding the June 15, 2015 minutes. Hearing none he asks for a motion.

BZA: 06-16-2015: Minutes ~ June 15, 2015

Motion by Mr. Powell, seconded by Mr. Spurlock, to **Approve** the minutes as presented.

VOTE: Yes: Mr. Powell, Mr. Spurlock, Mr. Wallace, and Mr. Greenwood

No: None

Motion carries.

Chairperson Greenwood explains how the meeting will be held. Everyone will need to sign in that will be speaking. Staff will present the report and the Board will ask questions to Staff. The proponents will be able to speak followed by the opponents. Everyone will be sworn in before they speak. Rebuttal by the Applicant will follow, if desired.

Chairperson Greenwood asks the Board if anyone needs to Abstain. Hearing none, he asks the Staff to present the case.

BZA-2015-06: Variance Case ~ Property Owner/Applicant: Robert Taylor ~ Mad River Township ~ Located at 5539 Dayton-Springfield Road

Mrs. Allen stated that the subject property, approximately 0.68 acres, is located at 5539 Dayton-Springfield Road in Mad River Township. The property, PID #180-06-00032-000-080, is zoned B-2 (Community Business District). The Applicant is requesting a variance to Chapter 2, Section H to allow a new, larger entrance vestibule (8 ft. by 16 ft.) to encroach an additional 4 ft. into the front setback. Under that section of the zoning regulations, the minimum front yard setback is 35 ft. from the right-of-way (ROW) line. The ROW for this section of Dayton-Springfield Road as listed in the county's Thoroughfare Plan is 50 ft. from centerline. Thus, the building should be a minimum 85 ft. from centerline. Currently, the building is approximately 72 ft. from centerline. Thus, it is considered a legal, non-conforming building. Adding to this non-conformity is not permitted unless a variance is approved by the BZA. With the new entrance vestibule, the building would be approximately 68 ft. from the centerline of Dayton-Springfield Road.

Mrs. Allen also stated that this variance request was discussed at the June 11, 2015 Technical Review Committee meeting. The County Engineer's Department has no objection to the request. Staff learned that the Applicant is working with the County Engineer's Department on paving the front parking area, which is currently a gravel parking lot – also a legal, non-conformity. The challenge to this paving is providing an acceptable grade of the parking area to a surface drainage outlet. Nevertheless, this parking issue is not related to the variance request of enlarging the entrance vestibule.

Mrs. Allen stated that she would answer any questions from the Board at this time.

Mr. Wallace asked if it was correct that there were two parcels owned by the same party. He asked if he could see the overhead of the properties and that the variance was only concerning the vestibule and not the paving.

Mrs. Allen stated that is correct. The owner is working with the County Engineer's Department concerning the paving.

Chairperson Greenwood asked if there were any further questions. There were none.

Chairperson Greenwood opens this portion of the public hearing at 2:02 pm. and asked if anyone would like to speak in favor of the case.

Mr. David Muha, whose address is 855 Congress Park Drive, Dayton, Ohio, stated that he is the contractor for the Applicant. There are a couple of reasons to complete this project. The Applicant has already spent money on the inside of the establishment and the outside of the building does not reflect what they have on the inside. The current vestibule is deteriorating and falling down. Cosmetically the Applicant is trying to reinvest in the property.

Mr. Muha stated that the new vestibule will meet ADA (Americans with Disabilities Act) Codes which it currently does not comply with. The size will be 16 ft. by 8 ft. and the metal awnings will be replaced with canvas awnings to soften up the look. A sidewalk will be placed the length of the building to make it safer to walk from the parking areas. There will be some paving in the front of the building.

Mr. Muha also stated that they are working with the County Engineers as they have plans to do road work on the shoulders of Dayton-Springfield Road and also pave it.

Chairperson Greenwood asked if there was going to be a second entrance off Dayton Road.

Mr. Muha stated that question has come up and the County Engineers has been out but at this time no final decisions have been made on what to do. There has been some talk about possibly closing off part of the parking area.

Mr. Spurlock asked if the paving process would limit the access to the parking lot from the right-of-way.

Mr. Muha stated that the owners are open to that and currently waiting on the recommendation of the County Engineers.

Mr. Wallace asked what the distance from the building to the centerline was.

Mr. Muha stated that the distance was 68 ft.

Chairperson Greenwood asked if anyone else would like to speak in favor of the variance request. There were none.

Chairperson Greenwood asked if there was anyone that would like to speak in opposition. Hearing none he closed this portion of the public hearing at 2:08 pm.

Chairperson Greenwood asked if there were any further questions or comments from the Board.

Mr. Spurlock asked if officially this property is non-compliant due to today's standards.

Mr. Terry Shaffer stated that is correct.

Mr. Spurlock asked if a condition could be put on approval for them to be compliant.

Mr. Wallace stated that he seemed to think that would be up to the County Engineers.

Chairperson Greenwood reminded the Board that the variance before them was for the vestibule.

Hearing no further questions, Chairperson Greenwood asked for a motion.

BZA: 06-17-2015: BZA-2015-06 ~ Variance Case ~ Property Owner/Applicant: Robert Taylor ~ Mad River Township ~ Located at 5539 Dayton-Springfield Road

Motion by Mr. Wallace, seconded by Mr. Powell, to **Approve** the Variance as presented.

VOTE: Yes: Mr. Wallace, Mr. Powell, Mr. Spurlock and Mr. Greenwood

No: None

Motion carries.

STAFF COMMENTS

Mrs. Allen stated the next scheduled meeting will be July 23, 2015.

ADJOURNMENT

Chairperson Greenwood asks for a motion for adjournment.

BZA: 06-18-2015 ~ Adjournment

Motion by Mr. Spurlock, seconded by Mr. Wallace, to adjourn the meeting.

VOTE: Motion carries unanimously.

The meeting was adjourned at 2:13 pm.

Tim Greenwood, Chairperson